

The Examiner must provide reasons. Well-recognized reasons are that the claims have different classifications or require separate searches. Other recognized reasons involve special circumstances, not present here, like Markush claims, double patenting situations, etc.

The requirement for restriction is discretionary with the Commissioner, and, by PTO rules and procedures as set forth in the MPEP, can be sustained only upon approval of senior examiners having full signatory authority. This is to protect the public against the disadvantages of having two or more patents issue from a single invention, as will result when a restriction is not well founded, and inventors are thereby forced (as here) to win and publish multiple separate patents for a single invention. The public becomes burdened and confused by the existence of so many patents issued to the same inventor on the same idea.

Applicants' invention is a straightforward mechanical device, and Applicants' drawing presents two mechanisms for accomplishing the invention.

The embodiment of Figures 1-2, 3-4 and 5-6 should be considered as a single invention.

The embodiment of Figures 1-2, 3-4 and 5-6 should be considered as a single invention. The embodiment of Figures 7-8 can be non-elected.

In particular, Figures 1-2, 3-4 and 5-6 each include a belt or chain, and a lever that supports the door. In the embodiment of Figures 1-2, the lever is straight. In the embodiment of Figure 3-4, the lever is bent at an angle instead of being straight. This limitation of a bent lever is recited in Claims 13 and 14. Figures 1-2 and 3-4 show the mechanism applied to a side door of a vehicle. Figures 5-6 show the mechanism applied to a rear deck lid.

The following Claims are generic to the embodiments of Figures 1-2, 3-4, 5-6:

Claim 1

Claim 2

Claim 3

Claim 4

Claim 6

Claim 7

Claim 8

Claim 11

Claim 12

Claim 15

Claim 16

Claim 17

The following Claims are specific to the embodiment of Figures 3 – 4, where the lever is bent.

Claim 13

Claim 14

Accordingly, Applicants believe that Claims 13 and 14 should be examined with Claims 1-4, 6- 8, 11-12 and 14-16.

The Examiner has not adequately explained how the invention of Claims 13 and 14, Figures 3-4 is independent or distinct, from the Figures 1-2 .

With regard to the question of burden on the Examiner, the Office Action fails to offer sufficient justification. It would appear that Claims 13 and 14 and Figures 3-4 can be easily searched at once with the embodiment of Figures 1-2, and that it would be burdensome for the Examiner to attempt to search for the mechanism of Figures 1-2 without at the same time finding the prior art applicable to Figures 3-4.

In view of the foregoing, Applicants respectfully request reconsideration of the Request for Restriction, so that the embodiments of Figures 1- 6 be promptly examined.

Claims 5, 9 and 10, pertaining to Figures 7 -8, are non-elected.

A prior art disclosure, PTO-1449, is enclosed and lists US Patent Banks et al, 5,289,615.

Please charge any fee that may be due to Deposit Account No. 07-0960.

Respectfully submitted,

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